IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

Crl.MC.No. 2757 of 2007()

CC.384/2001 of JUDL. MAGISTRATE OF FIRST CLASS, ERATTUPETTA

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PETITIONER: ACCUSED

P.H.M.BASHEER, ADVOCATE,
MANGATTU HOUSE, DEVALOKAM P.O.,
KOTTAYAM.

BY ADV. SRI.V.B.PREMACHANDRAN

RESPONDENTS: STATE AND COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. A.J.THOMAS, AMBAZHATHINAKUNNEL VEEDU,
VELATHUSERY P.O., THEEKOY VILLAGE,
VELATHUSSERYKARA.

R1 BY PUBLIC PROSECUTOR SRI. KAMAPPU

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 07/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 2757 of 2007

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Dated this the 7th day of September, 2007

O R D E R

After elaborate discussions at the Bar, when finally the dictation commenced, the learned counsel for the petitioner made a short request. He prays that he may be permitted to withdraw this Crl.M.C. and raise all his contentions before the learned Magistrate. The learned counsel further submits that the warrant of arrest issued by the learned Magistrate is chasing the petitioner now. The petitioner is willing to appear before the learned Magistrate. He prays that the learned Magistrate may be directed to consider his application for bail on merits, in accordance with law and expeditiously.

2. I am satisfied that permission to withdraw the petition can be allowed. Needless to say, the petitioner can raise all his contentions before the learned Magistrate.

3. This Crl.M.C. is accordingly dismissed as withdrawn, but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned

Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

(R. BASANT)
Judge

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